



Michael J. Striker  
Striker Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

In re Application of	:	
Kraenzler et al.	:	
Application No. 10/049,546	:	DECISION
PCT No.: PCT/DE01/02024	:	
Int. Filing Date: 25 May 2001	:	ON
Priority Date: 15 June 2000	:	
Atty. Docket No.: 1969	:	PETITION
For: Power Tool With At Least One Handle	:	

This is in response to the "Renewed Petition Under 37 CFR 1.137(b)" filed on 03 February 2005, which is being treated as a renewed petition under 37 CFR 1.137(b) and 37 CFR 1.47(a).

### DISCUSSION

#### *Petition Under 37 CFR 1.137(b)*

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section. In a decision mailed on 03 January 2005, the petition under 37 CFR 1.137(b) filed on 05 June 2003 was dismissed without prejudice because requirement (1) had not been satisfied. In particular, required reply in the form of an acceptable, executed oath or declaration of the inventors had not been filed, as explained in the treatment of the petition under 37 CFR 1.47(a) also appearing in that decision. As discussed *infra*, petitioner has now satisfied that requirement in the sense that petitioner has submitted a grantable petition under 37 CFR 1.47. Accordingly, requirement (1) has now been satisfied, and therefore it would now be appropriate to grant the petition under 37 CFR 1.137(b).

#### *Petition Under 37 CFR 1.47(a)*

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or

her own behalf and on behalf of the non-signing joint inventor. In the decision mailed on 03 January 2005, it was explained that requirements (1), (2) and (4) had been satisfied, but requirement (3) had not been satisfied because

the petition "does not include an explicit statement of non-signing joint inventor Franz Scheschark's last known address. Accordingly, requirement (3) has not been satisfied." Counsel still has not provided an explicit statement of Mr. Scheschark's last known address and, therefore, requirement (3) still has not been met.

The current renewed petition includes an explicit statement of Mr. Scheschark's last known address, thereby satisfying requirement (3). As such, it would now be appropriate to grant the petition under 37 CFR 1.47(a).

### **DECISION**

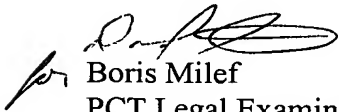
The petition under 37 CFR 1.137 (b) is **GRANTED**.


The petition under 37 CFR 1.47 (a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is **05 June 2003**.

  
Boris Milef  
PCT Legal Examiner  
PCT Legal Office

  
George M. Dombroske  
PCT Legal Examiner  
PCT Legal Office  
Tel: (571) 272-3283  
Fax: (571) 273-0459



## OFFICIAL GAZETTE NOTICE

### 37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Franz Scheschark) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/DE01/02024 and was filed on May 25, 2001 in the names of Ernst Kraenzler, Manfred Ruff, Harald Krondorfer, Ralph Dammertz, Joerg Goehner, Mario Frank and Franz Scheschark for the invention entitled **POWER TOOL COMPRISING AT LEAST ONE HANDLE**. The national stage application number is 10/049,546 and has a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of June 5, 2003.